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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,849	03/14/2000	Esme M. Taylor	004717.P001	8171
7590	05/31/2005		EXAMINER	
Judith A Szepesi Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			NGUYEN, CHAU T	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/524,849	
Examiner	TAYLOR, ESME M.	
Chau Nguyen	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 4-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Amendment, received on 01/31/2005, has been entered. Claims 1-2 and 4-30 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 10-11 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (Gupta), US Patent No. 6,487,538, Verma, US Patent No. 6,243,750, Wolff, US Patent No. 6,247,047, and further in view of Leal, US Patent No. 6,189,003.

4. As to claim 1, Gupta discloses a method comprising:

In response to a user request, displaying a web page including a listing of a sponsoree (col. 4, lines 14-65);

a designated active and browseable web page of a single sponsor on the same page as the listing of the sponsoree (col. 4, lines 14-65);

wherein the sponsoree may replace the web page of the sponsor with other data (col. 4, lines 14-65).

However, Gupta does not explicitly disclose wherein no further browsing is required to see a content of the web page. Verma discloses advertisement 411 for bicycle roof racks including text "This Roof Rack on Sale Today SKU-NZD735 Price: 59.99 Dollars" (col. 4, lines 47-67 and Fig. 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Verma and Gupta to include no requirement to browse the web page to see its content since the web page itself already contains enough information that a user or searcher can comprehend, and if the user or searcher wants to know more about the advertisement, he/she can always click on the advertisement to see further details.

However, Gupta and Verma do not explicitly disclose the sponsoree has full control of the web page associated with the listing of the sponsoree, and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff discloses a sponsor server which operates a WWW site for a sponsor who has agreed to post a merchant's advertising banner, possibly in exchange for payment of an advertising fee, and the merchant has the right to post his own web page on the server of his Internet access or service provider, with the merchant's web page including icon (advertisement), and the icon can be replaced by a hyperlink including the URL of the

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host server (col. 7, line 21 – col. 8, line 55). Wolff also discloses when a merchant (sponsoree) performs a merchant-specific function such as creating or modifying banners (advertisements), the merchant needs to log in to access to the sponsor server (col. 12, line 31 – col. 13, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Gupta-Verma to include the sponsoree has full control of the web page associated with the listing of the sponsoree, and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff's provided an improved method and apparatus for facilitating transactions on a computer network.

Gupta, Verma, and Wolff do not explicitly disclose wherein the plurality of results are displayed with an essential element missing. Applicant describes an essential element is a telephone number in the specification. In the same field of endeavor, Leal discloses a user enters a search provider's web site, a search result a list of items containing a "direct connection" link (an essential element) (Fig. 7, and col. 10, line 50 – col. 11, line 5). Thus, it is obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Leal and Gupta, Verma and Wolff to include search results displayed with an essential element missing in order to provide users having possibility to make direct connection to web sites.

5. As to claim 10, Gupta-Verma-Wolff-Leal displaying a licensee's data if the user connected to the directory from a licensee (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).
6. As to claim 11, Gupta-Verma-Wolff-Leal disclose tracking the user for statistical and revenue sharing purposes (Gupta, col. 16, lines 35-61, and col. 17, lines 13-30).
7. As to claim 28, Gupta-Verma-Wolff-Leal disclose wherein the data comprises Yellow Pages information (Leal, col. 6, line 64 – col. 7, line 10).
8. As to claim 29, Gupta-Verma-Wolff-Leal disclose enabling the listee-sponsoree to self-sponsor the data of the listee-sponsoree, such that the listee-sponsoree's active web page is displayed with the data of the listee-sponsoree (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).
9. Claims 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (Gupta), US Patent No. 6,487,538, Verma, US Patent No. 6,243,750, and further in view of Wolff, US Patent No. 6,247,047.
10. As to claim 27, Gupta discloses a method comprising:
displaying data of a listee-sponsoree in response to a search (col. 4, lines 14-65);

displaying an active web page of a sponsor associated with the listee-sponsoree on the same page as the data of the listee-sponsoree, such that the active web page is accessible while reviewing the data of the listee-sponsoree (col. 4, lines 14-65);

However, Gupta does not explicitly disclose wherein no further browsing is required to see a content of the web page. Verma discloses advertisement 411 for bicycle roof racks including text "This Roof Rack on Sale Today SKU-NZD735 Price: 59.99 Dollars" (col. 4, lines 47-67 and Fig. 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Verma and Gupta to include no requirement to browse the web page to see its content since the web page itself already contains enough information that a user or searcher can comprehend, and if the user or searcher wants to know more about the advertisement, he/she can always click on the advertisement to see further details.

However, Gupta and Verma do not explicitly disclose the sponsoree has full control of the web page associated with the listing of the sponsoree, and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff discloses a sponsor server which operates a WWW site for a sponsor who has agreed to post a merchant's advertising banner, possibly in exchange for payment of an advertising fee, and the merchant has the right to post his own web page on the server of his Internet access or service provider, with the merchant's web page including icon (advertisement), and the icon can be replaced by a hyperlink including the URL of the host server (col. 7, line 21 – col. 8, line 55). Wolff also discloses when a merchant

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(sponsoree) performs a merchant-specific function such as creating or modifying banners (advertisements), the merchant needs to log in to access to the sponsor server (col. 12, line 31 – col. 13, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Gupta-Verma to include the sponsoree has full control of the web page associated with the listing of the sponsoree, and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff's provided an improved method and apparatus for facilitating transactions on a computer network.

11. As to claim 30, Gupta, Verma, and Wolff disclose wherein the data of the listee-sponsoree is displayed in less than twenty percent of the visible page, while the active web page of the sponsoree is displayed in the remainder of the visible page (Gupta, col. 4, lines 19-25 and col. 15, lines 20-51).

12. Claims 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta, Verma, Wolff and Leah as applied to claims 1, 10-11 and 28-29 above, and further in view of Jones, US Patent No. 6,256,623.

13. As to claim 2, Gupta, Verma, Wolff and Leal disclose when a user selects a single result from the plurality of results, subsequently displaying the selected result with

the incorporated designated web page of a sponsor (Gupta, Abstract, col. 4, lines 14-65);

However, Gupta, Verma, Wolff and Leal do not explicitly disclose displaying the plurality of results on the single page, with no sponsors. Jones discloses when a user enters a search for the artist Miles Davis, a search result displays a list of title of album or song with or without advertising (Jones, col. 8, line 52 – col. 9, line 11 and Figs. 4-5). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones and Gupta, Verma, Wolff and Leal to include displaying a plurality of results on a single page, with no sponsors in order to provide a user friendly environment for searcher.

14. As to claim 4, Gupta, Verma, Wolff, Leal and Jones (Gupta-Verma-Wolff-Leal-Jones) disclose wherein the essential element comprises a telephone number in a telephone directory (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

15. As to claim 5, Gupta-Verma-Wolff-Leal-Jones disclose wherein the plurality of results are displayed with a “call now button” that automatically connects the user with the listee selected (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

16. As to claim 6, Gupta-Verma-Wolff-Leal-Jones disclose wherein a telephone call using the call now button is free to the user (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

17. As to claim 7, Gupta-Verma-Wolff-Leal-Jones disclose wherein the telephone called may be charged to one of the following: the listee selected, the sponsor of the listee selected, or another sponsor (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

18. As to claim 8, Gupta-Verma-Wolff-Leal-Jones disclose playing an advertising to the user prior to connecting the user with the listee selected (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

19. As to claim 9, Gupta-Verma-Wolff-Leal-Jones disclose playing an advertising to the listee prior to connecting the user with the listee (Leal, Fig. 7, and col. 10, line 50 – col. 11, line 5).

20. Claim 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (Gupta), US Patent No. 6,487,538 and further in view of Wolff, US Patent No. 6,247,047.

21. As to claims 12 and 25, Gupta discloses a method comprising:
permitting purchase a sponsorship of at least one listing based on a criteria (col. 4, lines 5-65); and
identifying a designated web page for incorporation on the same page as the listing when the sponsored listing is displayed as a search result, the designated web

page being fully browseable to a user viewing the sponsored listing (col. 4, lines 5-65); and

enabling a listing owner to bump the sponsorship of the listing, and remove the web page of the sponsor (col. 4, lines 5-65 and col. 5, lines 36-44: advertising space on the internet is sold by web hosts to third parties (advertisers) and web hosts insert and transmit advertisements, thus one of the ordinary skill in the art would understand that the advertisements can be added or removed from the web page).

However, Gupta does not explicitly disclose the sponsoree has full control of the web page associated with the listing of the sponsoree, and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff discloses a sponsor server which operates a WWW site for a sponsor who has agreed to post a merchant's advertising banner, possibly in exchange for payment of an advertising fee, and the merchant has the right to post his own web page on the server of his Internet access or service provider, with the merchant's web page including icon (advertisement), and the icon can be replaced by a hyperlink including the URL of the host server (col. 7, line 21 – col. 8, line 55). Wolff also discloses when a merchant (sponsoree) performs a merchant-specific function such as creating or modifying banners (advertisements), the merchant needs to log in to access to the sponsor server (col. 12, line 31 – col. 13, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Gupta to include the sponsoree has full control of the web page associated with the listing of the sponsoree,

and may at any time, upon logging into the system and paying a subscription fee, replace the web page of the sponsor with any other universal resource locator (URL). Wolff's provided an improved method and apparatus for facilitating transactions on a computer network.

22. As to claim 13, Gupta and Wolff disclose wherein the criteria comprises one or more of the following: a ZIP code, a city, a region, a telephone number, and SIC code, a demographic, a keyword, or an individual listing (Gupta, col. 4, lines 53-65, col. 5, lines 17-35, and col. 10, lines 41-63).

23. As to claim 14, Gupta and Wolff disclose wherein the demographic may be selected by a location of a user of the search (Gupta, col. 4, lines 53-60).

24. As to claim 15, Gupta and Wolff disclose wherein the demographic may be based on a SIC code (Gupta, col. 4, lines 53-60).

25. As to claim 16, Gupta and Wolff disclose wherein the demographic maybe based on a category of the listing (Gupta, Abstract).

26. As to claim 17, Gupta and Wolff disclose receiving a request for sponsorship of a group based on the criteria;

determining if the group is available for sponsorship (Gupta, col. 12, lines 23-41);

and

if the group is available for sponsorship, quoting a list price for the group (Gupta, col. 12, lines 42-50).

27. As to claim 18, Gupta and Wolff disclose if the sponsor agrees to pay the list price,

requesting the designated web page from the sponsor (Gupta, col. 11, lines 126-65); and

adding the sponsor and the designated web page into a database (Gupta, col. 11, line 66 – col. 12, line 7).

28. As to claims 19 and 26, Gupta and Wolff disclose linking the selected listee to the sponsor's web page (col. 12, lines 8-22);

designating a length of time the sponsor is linked to the listee (Gupta, col. 4, lines 26-36, and col. 5, lines 54-63);

selecting a number of times the sponsor wants the sponsor's page to be shown (Gupta, col. 12, line 51 – col. 13, line 42); and

setting a price for the sponsor (Gupta, col. 12, line 51 – col. 13, line 42);

29. As to claim 20, Gupta and Wolff disclose wherein setting the price comprises setting a price per impression or setting a price per time period (Gupta, col. 4, lines 26-36, and col. 5, lines 54-63).

30. As to claim 21, Gupta and Wolff disclose if the sponsor declines to pay the list price,

prompting the sponsor to enter a bid for the sponsorship of the group (Gupta, col. 13, lines 13-42) ; and

opening an auction for the sponsorship of the group (Gupta, col. 14, lines 19-47).

31. As to claim 22, Gupta and Wolff disclose notifying bidders of the sponsorship of an outcome of the auction (Gupta, col. 14, lines 19-47); and

requesting the designated web page for the group from the sponsor who won (Gupta, col. 14, lines 19-47); and

adding the sponsor and the designated web page into a database (Gupta, col. 11, line 66 – col. 12, line 7).

32. As to claim 23, Gupta and Wolff disclose wherein the sponsorship comprises a price for each impression of the sponsor's designated web site with the at least one listing (Gupta, col. 4, lines 26-36, and col. 5, lines 54-63).

33. As to claim 24, Gupta and Wolff disclose wherein the sponsorship may be a self-sponsorship, such that a web page displayed is a web page of the listee (Gupta, col. 12, lines 8-22).

Response to Arguments

In the remarks, Applicant argued in substance that

(A) Leal does not discuss the use of advertising at all, and does not teach or suggest incorporating a browseable web page of a sponsor, nor providing control over a web page to a listee-sponsoree.

As to point A, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Gupta, Verma, and Wolff do not explicitly disclose wherein the plurality of results are displayed with an essential element missing. Applicant describes an essential element is a telephone number in the specification. In the same field of endeavor, Leal discloses a user enters a search provider's web site, a search result a list of items containing a "direct connection" link (an essential element) (Fig. 7, and col. 10, line 50 – col. 11, line 5). Thus, it is obvious to one of ordinary skills

in the art at the time the invention was made to combine the teachings of Leal and Gupta, Verma and Wolff to include search results displayed with an essential element missing in order to provide users having possibility to make direct connection to web sites.

(B) Jones does not have listee-sponsorees, since the search results are musical albums, rather than anything that has an associated listee.

As to point B, this is again the same arguments in point A, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Gupta, Verma, Wolff and Leal disclose when a user selects a single result from the plurality of results, subsequently displaying the selected result with the incorporated designated web page of a sponsor (Gupta, Abstract, col. 4, lines 14-65). However, Gupta, Verma, Wolff and Leal do not explicitly disclose displaying the plurality of results on the single page, with no sponsors. Jones discloses when a user enters a search for the artist Miles Davis, a search result displays a list of title of album or song with or without advertising (Jones, col. 8, line 52 – col. 9, line 11 and Figs. 4-5). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones and Gupta, Verma, Wolff and Leal to include

displaying a plurality of results on a single page, with no sponsors in order to provide a user friendly environment for searcher.

34. Applicant's arguments, see the remarks, filed 01/31/2005, with respect to the rejection(s) of claim(s) 1, 2, 12, 25 and 27 have been fully considered but are moot in view of the new ground(s) of rejection. Please the rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176



JOSEPH FEILD
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